From: zmower@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 11/17/01 6:50pm
Subject: An Alternate Solution

Dear DOJ,

The current agreement in the Microsoft antitrust case is seriously
flawed. All
the analysts agree that it will not have much effect on the companies
operations, much like the previous 1995 consent decree. Indeed the MS
stock
price actually rose after the details of the agreement were published, a
sure
sign that it was ineffectual.

So what remedy would really bring competition back to this market? To
know
this one must understand how MS maintains its monopoly:

1) Tight control over OEMs.
2) Levereaging the windows installed base by bundling.
3) Secret file formats/APIs which hinders other software vendors
   compatability/performance.

Broadly speaking Microsoft is a box which denies access to its
intellectual
property. If you remove the box you solve the problem. The solution I
propose is:

The source code of the Windows family of operating systems should be
made
available under the LGPL
(http://www.gnu.org/licenses/licenses.html#LGPL)
except to any company which manufactures, supplies or sells PCs. The
design
documentation for this source code should also be made available under a
similar license and in a format readable by non-Microsoft web browsers.

This solution has many beneficial aspects:

1) It is easy to implement.
2) Competition is installed within the market. Any company can build
and sell
   windows or a derivative.
3) It is easy to police.
4) The exceptions guard against the build up of vertical market
segments.
5) Microsoft remains free to innovate (it is just everyone else is now

MTC-961

too!)

6) Under the terms of the LGPL license, any derivatives of the source code

    must themselves be licensed under the LGPL and therefore be available to

    those who buy the executable version. This prevents re-assertion of the

    monopoly by Microsoft or one of its new competitors by denying access to

    the source code again.

7) Access to the design documentaion aids understanding of the source code

    and hence gives competitors a leg up. It also stops Microsoft

    obsfucating the source code and putting all the inforation about how the

    code really works elsewhere.

Microsoft certainly won't be undone by this solution. It has a strong brand
name and it has a competitive advantage in that it knows the source code.
It also does not address Microsoft's monopoly in business software. My
reasoning for this is that there are competing products in this arena and
with the increasing importance of the web, the Office file formats will
become less important.

I look forward to Microsoft arguing that IE is not part of the OS
sometime in the near future. (At which point Microsoft's intentions
toward the Internet should also be examined.)

Yours Sincerely,

Chris Moore
Software Engineer in the UK

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Sig pending!